

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 29, 2009

House of Representatives

The House convened at 11:30 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Chew. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Todd Beck, Page.

Approval of Journal

January 29, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventeenth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 29, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 31](#) and [H 32](#).
CLARK, Chairman

[H 31](#) was referred to the Resources and Conservation Committee.

[H 32](#) was referred to the State Affairs Committee.

January 29, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration [H 14](#), [H 13](#), [H 15](#), and [SCR 101](#) and recommend that they do pass.

LOERTSCHER, Chairman

[H 14](#), [H 13](#), [H 15](#), and [SCR 101](#) were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 33 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO AGRICULTURE; REPEALING CHAPTER 32, TITLE 22, IDAHO CODE, RELATING TO THE DEPARTMENT OF AGRICULTURE AND THE ARTIFICIAL PRODUCTION OF RAINFALL.

HOUSE BILL NO. 34 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO COMMODITY DEALERS; AMENDING SECTION 69-503, IDAHO CODE, TO REVISE LICENSE PROVISIONS, TO REQUIRE CERTAIN INSURANCE AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 35 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 22-103, IDAHO CODE, TO PROVIDE FOR THE SUPPORT OF A MARKET NEWS SERVICE, TO DELETE REFERENCE TO MAINTENANCE OF A MARKET NEWS SERVICE AND TO PROVIDE CORRECT CODE REFERENCES.

HOUSE BILL NO. 36 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO THE PURE SEED LAW; AMENDING SECTION 22-435, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE STATE SEED ADVISORY BOARD; AND AMENDING SECTION 22-436, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SEED ARBITRATION AND THE SEED ARBITRATION COUNCIL.

HOUSE BILL NO. 37 BY AGRICULTURAL AFFAIRS COMMITTEE AN ACT

RELATING TO BONDED WAREHOUSES; AMENDING SECTION 69-262, IDAHO CODE, TO PROVIDE THAT THE COMMODITY INDEMNITY FUND SHALL NOT BE LIABLE FOR CLAIMS THAT RESULT FROM LOSSES DUE TO UNINSURABLE PHYSICAL PERILS; AND AMENDING SECTION 69-264, IDAHO CODE, TO PROVIDE THAT THE COMMODITY INDEMNITY FUND SHALL NOT BE LIABLE FOR UNPAID AMOUNTS FOR CERTAIN CLAIMS.

HOUSE BILL NO. 38 BY HEALTH AND WELFARE COMMITTEE AN ACT

RELATING TO PODIATRISTS; AMENDING SECTION 54-607, IDAHO CODE, TO INCREASE THE MAXIMUM ANNUAL RENEWAL LICENSE FEE.

HOUSE BILL NO. 39
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE DEPARTMENT OF ADMINISTRATION AND GROUP INSURANCE; AMENDING SECTION 67-5333, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE USE OF UNUSED SICK LEAVE BY THE IDAHO PUBLIC EMPLOYEE RETIREMENT BOARD TO PAY CERTAIN INSURANCE PREMIUMS; AMENDING SECTION 67-5761, IDAHO CODE, TO REVISE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF ADMINISTRATION REGARDING GROUP INSURANCE AND TO REVISE PROVISIONS RELATING TO GROUP INSURANCE COVERAGE FOR CERTAIN RETIREES; AND DECLARING AN EMERGENCY.

[H 33](#), [H 34](#), [H 35](#), [H 36](#), [H 37](#), [H 38](#), and [H 39](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 3](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall [H 3](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

Absent and excused – Black, Chew. Total – 2.
 Total – 70.

Whereupon the Speaker declared that [H 3](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 5](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

The question being, "Shall [H 5](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet,

Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

Absent and excused – Black, Chew. Total – 2.
 Total – 70.

Whereupon the Speaker declared that [H 5](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 10](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall [H 10](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

Absent and excused – Chew. Total – 1.
 Total – 70.

Whereupon the Speaker declared that [H 10](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 11](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall [H 11](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Mr. Speaker. Total – 67.

NAYS – Barrett, Wood(35). Total – 2.
 Absent and excused – Chew. Total – 1.
 Total – 70.

Whereupon the Speaker declared that [H 11](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 12 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall H 12 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

Absent and excused – Chew. Total – 1.
Total – 70.

Whereupon the Speaker declared that H 12 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 6 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Harwood to open debate.

The question being, "Shall H 6 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

Absent and excused – Chew. Total – 1.
Total – 70.

Whereupon the Speaker declared that H 6 passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 7 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall H 7 pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs,

Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

Absent and excused – Chew. Total – 1.
Total – 70.

Whereupon the Speaker declared that H 7 passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9 a.m., Friday, January 30, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:08 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk